

SEVENTY-THIRD DAY

(Tuesday, May 16, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Galbreath
Allen	Gilmer
Allison	Goodman
Alsup	Gordon, Mrs.
Anderson	Hale
Bailey	Hamilton
Baker	Hankamer
of Fort Bend	Hardeman
Baker of Grayson	Hardin
Bell	Harp
Blankenship	Harper
Boethel	Harrell of Bastrop
Bond	Harrell of Lamar
Boyd	Harris
Boyer	Hartzog
Bradbury	Heflin
Bradford	Holland
Bray	Howard
Bridgers	Howington
Broadfoot	Hull
Brown of Cherokee	Isaacks
Brown	Johnson of Ellis
of Nacogdoches	Johnson of Tarrant
Bundy	Keith
Burkett	Kennedy
Burney	Kern
Cauthorn	Kerr
Celaya	Kersey
Chambers	Kinard
Clark	King
Cleveland	Langdon
Cockrell	Lehman
Coleman	Leonard
Colquitt	Leyendecker
Colson, Mrs.	Little
Cornett	Lock
Corry	Loggins
Crossley	London
Daniel	Mays
Davis of Jasper	McAlister
Davis of Upshur	McDaniel
Dean	McDonald
Derden	McFarland
Dickison	McMurry
Dickson	McNamara
Donaghey	Mohrmann
Dowell	Monkhouse
Dwyer	Montgomery
Faulkner	Morris
Felty	Newell
Ferguson	Nicholson
Fielden	Oliver
Fuchs	Pace

Petsch	Stinson
Pevehouse	Stoll
Piner	Talbert
Pope	Tarwater
Ragsdale	Taylor
Reader of Bexar	Tennant
Reader of Erath	Thornberry
Reaves	Thornton
Reed	Turner
Rhodes	Vale
Riviere	Vint
Roach	Voigt
Roberts	Waggoner
Robinson	Weldon
Russell	Wells
Schuenemann	Westbrook
Segrist	White
Shell	Wilson
Skiles	Winfree
Smith of Frio	Wood
Smith of Hopkins	Worley
Spencer	Wright

Absent—Excused

Hunt	Smith of Matagorda
------	-----------------------

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, Thou art not a discernor of persons, in that Thou hast the same regard for the poor and lowly as for the rich and mighty. As Thou dost see and know us, may the words of our mouths and the meditations of our hearts be acceptable unto Thee, O, God, our strength and our Redeemer. For Christ's sake. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Hunt for today, on motion of Mr. Smith of Hopkins.

Mr. Smith of Matagorda for today, on motion of Mr. Faulkner.

MOTION TO RE-REFER HOUSE BILL NO. 499

Mr. Davis of Upshur moved that House Bill No. 499 be withdrawn from the Committee on Liquor Traffic, and referred to the Committee on Criminal Jurisprudence.

Mr. Bell moved to table the motion to re-refer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—60

Baker	Kinard
of Fort Bend	Langdon
Bell	Leyendecker
Boethel	Little
Boyd	Mays
Bradbury	McAlister
Bradford	McDaniel
Bundy	McDonald
Burkett	McFarland
Cauthorn	McMurry
Celaya	McNamara
Cockrell	Mohrmann
Crossley	Monkhouse
Davis of Jasper	Pace
Dickson	Pevehouse
Donaghey	Reader of Bexar
Dwyer	Reader of Erath
Felty	Reaves
Fuchs	Schuenemann
Gilmer	Segrist
Gordon, Mrs.	Shell
Hankamer	Talbert
Hardeman	Taylor
Hardin	Tennant
Harp	Thornberry
Harper	Thornton
Holland	Vale
Keith	Voigt
Kern	Wilson
Kerr	Wood
Kersey	

Nays—46

Allen	Kennedy
Bailey	King
Baker of Grayson	Lehman
Broadfoot	Montgomery
Brown	Newell
of Nacogdoches	Nicholson
Burney	Piner
Chambers	Rhodes
Cleveland	Roach
Coleman	Roberts
Colquitt	Robinson
Colson, Mrs.	Russell
Cornett	Smith of Frio
Davis of Upshur	Smith of Hopkins
Ferguson	Spencer
Fielden	Stoll
Galbreath	Vint
Hale	Waggoner
Hamilton	Weldon
Harrell of Bastrop	Wells
Heflin	Westbrook
Howington	White
Hull	Winfree
Johnson of Ellis	

Absent

Allison	Howard
Alsup	Isaacks
Anderson	Johnson of Tarrant
Blankenship	Leonard
Bond	Lock
Boyer	Loggins
Bray	London
Bridgers	Morris
Brown of Cherokee	Oliver
Clark	Petsch
Corry	Pope
Daniel	Ragsdale
Dean	Reed
Derden	Riviere
Dickison	Skiles
Dowell	Stinson
Faulkner	Tarwater
Goodman	Turner
Harrell of Lamar	Worley
Harris	Wright
Hartzog	

Absent—Excused

Hunt	Smith
	of Matagorda

SENATE BILL NO. 325
RECOMMITTED

Mr. Felty moved that Senate Bill No. 325 be recommitted to the Committee on Labor.

Mr. Dickison moved to table the motion to recommit.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—30

Allison	Heflin
Bradford	Johnson of Ellis
Burney	Keith
Celaya	McAlister
Clark	McNamara
Cockrell	Montgomery
Coleman	Nicholson
Daniel	Pope
Davis of Jasper	Ragsdale
Dean	Robinson
Derden	Thornton
Dickison	Wells
Dwyer	White
Hankamer	Winfree
Hartzog	Wright

Nays—42

Bailey	Boyer
Baker of Grayson	Bridgers
Boyd	Brown of Cherokee

Brown	Mays
of Nacogdoches	McFarland
Burkett	McMurry
Crossley	Mohrmann
Davis of Upshur	Newell
Dickson	Pace
Dowell	Petsch
Felty	Pevehouse
Fielden	Reader of Bexar
Galbreath	Schuenemann
Goodman	Smith of Hopkins
Hardeman	Stoll
Harrell of Bastrop	Thornberry
Holland	Vint
Howington	Waggoner
Kennedy	Westbrook
Kersey	Wood
Leyendecker	Worley
Little	

Present—Not Voting

Allen	Lock
Alsup	McDaniel
Broadfoot	McDonald
Chambers	Piner
Colquitt	Reader of Erath
Cornett	Reaves
Faulkner	Reed
Ferguson	Rhodes
Gilmer	Roach
Hale	Roberts
Harp	Russell
Harper	Smith of Frio
Harrell of Lamar	Spencer
Kern	Stinson
Kerr	Taylor
King	Turner
Langdon	Weldon
Lehman	

Absent

Anderson	Hull
Baker	Isaacks
of Fort Bend	Johnson of Tarrant
Bell	Kinard
Blankenship	Leonard
Boethel	Loggins
Bond	London
Bradbury	Monkhouse
Bray	Morris
Bundy	Oliver
Cauthorn	Riviere
Cleveland	Segrist
Colson, Mrs.	Shell
Corry	Skiles
Donaghey	Talbert
Fuchs	Tarwater
Gordon, Mrs.	Tennant
Hamilton	Vale
Hardin	Voigt
Harris	Wilson
Howard	

Absent—Excused

Hunt	Smith
	of Matagorda

Question then recurring on the motion to recommit Senate Bill No. 325 to the Committee on Labor, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—43

Alsup	Kennedy
Bailey	Kersey
Baker of Grayson	Leyendecker
Boyd	Mays
Boyer	McFarland
Bradbury	McMurry
Bridgers	Mohrmann
Brown of Cherokee	Newell
Burkett	Pace
Colquitt	Petsch
Cornett	Pevehouse
Davis of Upshur	Reader of Bexar
Dickson	Rhodes
Dowell	Schuenemann
Felty	Smith of Hopkins
Fielden	Stoll
Fuchs	Thornberry
Galbreath	Vint
Hardeman	Westbrook
Hardin	Wood
Holland	Worley
Howington	

Nays—29

Bell	Keith
Boethel	Montgomery
Burney	Nicholson
Clark	Pope
Cockrell	Ragsdale
Coleman	Roach
Daniel	Robinson
Derden	Thornton
Dickson	Voigt
Dwyer	Waggoner
Hankamer	Wells
Harrell of Bastrop	White
Hartzog	Winfree
Heflin	Wright
Johnson of Ellis	

Present—Not Voting

Allen	McDaniel
Allison	McDonald
Broadfoot	Piner
Chambers	Reader of Erath
Davis of Jasper	Reaves
Faulkner	Reed
Ferguson	Roberts
Gilmer	Russell
Harp	Segrist
Harper	Smith of Frio
Harrell of Lamar	Spencer
Kern	Stinson
Kerr	Tarwater
King	Taylor
Langdon	Turner
Lehman	Weldon

Absent

Anderson	Howard
Baker	Hull
of Fort Bend	Isaacks
Blankenship	Johnson of Tarrant
Bond	Kinard
Bradford	Leonard
Bray	Little
Brown	Lock
of Nacogdoches	Loggins
Bundy	London
Cauthorn	McAlister
Celaya	McNamara
Cleveland	Monkhouse
Colson, Mrs.	Morris
Corry	Oliver
Crossley	Riviere
Dean	Shell
Donaghey	Skiles
Goodman	Talbert
Gordon, Mrs.	Tennant
Hale	Vale
Hamilton	Wilson
Harris	

Absent—Excused

Hunt	Smith
	of Matagorda

Mr. Felty moved to reconsider the vote by which Senate Bill No. 325 was recommitted, and to table the motion to reconsider.

The motion to table prevailed.

RELATIVE TO THE ARCHIVES DIVISION OF THE TEXAS STATE LIBRARY

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 99, by Mr. Isaacks, Relative to the Archives Division of the Texas State Library.

The resolution having heretofore been read second time and referred to the Committee on Public Lands and Buildings.

The Committee on Public Lands and Buildings having recommended the adoption of the resolution.

Mr. Mohrmann raised a point of order, on further consideration of the resolution, at this time, on the ground that there was not a quorum present in the committee when the resolution was voted on and same was voted out of committee by a viva voce vote.

The Speaker sustained the point of order.

Mr. Isaacks moved that House Concurrent Resolution No. 99 be withdrawn from the Committee on Public

Lands and Buildings, and referred to the Committee on Judiciary.

The motion prevailed.

RELATIVE TO TRUCK LOAD LIMIT LAW

Mr. Burney offered the following resolution:

H. C. R. No. 139, Relative to truck load limit law.

Whereas, At the time of the enactment of the law popularly known as the 7,000 Pound Truck Load Limit Law, it was not possible to predict to what extent the operation of this law would adversely affect the agricultural producers of Texas; and

Whereas, The producers of farm products in this State must depend upon the truck to get their commodities to market; and

Whereas, The enforcement of the 7,000 Pound Truck Load Limit Law is costing the producers of farm products in this State Millions of Dollars; and

Whereas, Texas highways are capable of handling loads as great as the highways of any State in the Union; and

Whereas, The State of Texas has set its truck load limit far below the truck load limit set by other States of the Union; and

Whereas, Such a low truck load limit operates directly to raise the cost of transportation of agricultural commodities by motor vehicles; and

Whereas, The operation and effect of the present truck load limit law places a trade barrier between Texas industries and producers in other States of the Union; and

Whereas, It is the desire of the Legislature to allow a free movement of agricultural products from the areas of production to the markets of Texas and other States; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Legislature of the State of Texas recommend that the Department of Public Safety and the Railroad Commission not enforce the law known as the Seven Thousand Pound Truck Load Limit Law as it applies to livestock and farm products with the exception of cotton, until such time as the Legislature of the State of Texas has amended said Seven Thousand Pound Truck Load Limit Law, so as to raise the truck load limit to a reasonable amount, thereby

allowing the same net loads of the aforesaid agricultural products to move over our highways as are now permitted by law when moving to the nearest common carrier loading point.

BURNEY,
LEONARD,
GOODMAN.

The resolution was read second time.

Mr. Reed raised a point of order, on consideration of the resolution, on the ground that the resolution attempts to amend the Statutes.

Question: Shall the point of order be sustained?

SENATE BILL NO. 427 ON PAS- SAGE TO THIRD READING

The Speaker laid before the House, as special order, on its passage to third reading,

S. B. No. 427, A bill to be entitled "An Act making appropriations for support and maintenance of the executive and administrative departments and agencies of the State government for the two-year period beginning September 1, 1939, and ending August 31, 1941, etc., and declaring an emergency."

The bill having heretofore been read second time with committee amendment by Mr. Thornton, pending.

Mr. Tarwater offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 11, line 35, item 20, by striking out the figures "\$1,800.00—\$1,800.00," and inserting in lieu thereof, "\$2,000.00—\$2,000.00."

(Mr. Leonard in the Chair.)

Mr. Alsop moved to table the amendment.

The motion to table was lost

Question then recurring on the amendment by Mr. Tarwater, it was adopted.

Mr. Tarwater offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 11, line 27, item 17, by striking out the figures "\$1,800.00—\$1,800.00," and inserting in lieu thereof the figures, "\$2,100.00—\$2,100.00."

On motion of Mr. Thornton, the amendment was tabled.

Mr. Fuchs offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to Senate Bill No. 427, page 11, line 38, item 21, by striking out the figures, "\$2,400.00—\$2,400.00," and inserting in lieu thereof the figures, "\$2,700.00—\$2,700.00."

FUCHS,
CHAMBERS,
SEGRIST.

On motion of Mr. Morris, the amendment was tabled.

Mr. Fielden offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 25, line 16, by striking out line 16, and inserting in lieu thereof, the following: "Bookkeeper, \$1,800.00—\$1,800.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Bradbury moved that the author of each amendment be allowed four minutes to explain the amendment, the opponents two minutes, and if a motion to table is made, the author of the amendment an additional two minutes.

There was no objection, and it was so ordered.

Mr. Westbrook offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, by striking out the figures "\$2,100.00" on line 33, page 6, and inserting in lieu thereof, the figures "\$2,250.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Celaya offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, by striking out on page 15, line 13, item 36, the figures "\$3,000.00", and insert in lieu thereof, the figures "\$3,600.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Derden offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, page 11, line 30, item 19, by striking out

the words "Warehouse Examiner", and inserting in lieu thereof, the words "Assistant Market Director".

DERDEN,
SEGRIST,
RHODES.

Mr. Wood moved to table the amendment.

The motion to table was lost.

The amendment was then adopted.

Mr. Davis of Jasper offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 9, after line 27, by adding the following: "two quarantine inspectors for Deweyville Bridge, to be paid the same salary as other similar inspectors provided, however, no further additional appropriations will be made for these inspectors."

DAVIS of Jasper,
KINARD.

On motion of Mr. Smith of Hopkins, the amendment was tabled.

Mr. Isaacks offered the following

amendment to the committee amendment:

Amend House substitute for Senate Bill No. 427, by striking out all of lines 7 to 40 inclusive, page 10, and lines 1 to 6, inclusive, page 11.

On motion of Mr. Thornton, the amendment was tabled.

(Speaker in the Chair.)

Mr. Fuchs offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 27, line 9, by changing the words and figures "Two Hundred (\$200.00) Dollars" to the words and figures "Four Hundred (\$400.00) Dollars".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Boethel offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, page 36, by striking out lines 25 to 40 inclusive, and on page 37, lines 4, 5, 6 and 7, and substituting in lieu thereof, the following:

	For the Years Ending	
	August 31, 1940	August 31, 1941
Lighthouse Supervisor, Austin	\$ 780.00	\$ 780.00
Lighthouse Supervisor, Fort Worth	780.00	780.00
Lighthouse Supervisor, El Paso	780.00	780.00
Lighthouse Supervisor, Houston	780.00	780.00
Lighthouse Supervisor, San Antonio	780.00	780.00
Home Teacher, Austin	750.00	750.00
Home Teacher, Fort Worth	750.00	750.00
Home Teacher, San Antonio	750.00	750.00
Home Teacher, Smith County	750.00	750.00
Home Teacher, Galveston	750.00	750.00
Assistant to Lighthouse Supervisor, Houston.....	750.00	750.00

The amendment was adopted.

Mr. Holland offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to Senate Bill No. 427, by striking out lines 28 and 29 on page 41 of the printed copy and inserting in lieu thereof, the following:

"33. Custodian of files, \$2,100.00—\$2,100.00.

"34. Assistant Custodian, \$1,350.00—\$1,350.00."

On motion of Mr. Thornton, the amendment was tabled.

Mr. Bundy offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 46, line 12. Chief of Division. Strike out "\$3,000.00," and insert "\$3,240.00," Line 3, strike out "\$1,620.00," and insert "\$1,800.00."

On motion of Mr. Thornton, the amendment was tabled.

Mr. Ferguson offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, page 47, lines 34 to 38 inclusive, by striking out the figures "\$1,920.00" wherever they appear, and substituting therefor the following, "\$1,800.00."

The amendment was adopted.

Mr. Stinson offered the following

amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 427, page 49, by striking out all of lines 22 to 33, inclusive, and inserting in lieu thereof, the following:

1. Board members, six, per diem	\$ 3,000.00	\$ 3,000.00
2. Secretary, part-time	1,080.00	1,080.00
3. Seasonal help, stenographic and investigation		
4. Traveling expenses	1,750.00	1,750.00
5. Postage, telephone, contingent expenses, stationery, printing, supplies, equipment, office rent, publicity and auditing expenses..	2,000.00	2,000.00
	1,000.00	1,000.00
Grand Totals, Board of Dental Examiners..	8,830.00	8,830.00

Mr. Thornton moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—69

Allen	Hull
Allison	Isaacks
Alsup	Kern
Bray	Kinard
Broadfoot	King
Brown	Langdon
of Nacogdoches	Lehman
Bundy	Little
Burkett	Lock
Cauthorn	London
Chambers	Mays
Colquitt	McFarland
Colson, Mrs.	McMurry
Cornett	McNamara
Crossley	Newell
Daniel	Nicholson
Davis of Jasper	Oliver
Dickson	Pope
Donaghey	Roberts
Dwyer	Russell
Faulkner	Schuenemann
Ferguson	Shell
Fielden	Smith of Frio
Galbreath	Spencer
Gilmer	Stoll
Gordon, Mrs.	Tarwater
Hamilton	Taylor
Hankamer	Tennant
Hardin	Thornton
Harp	Turner
Harper	Voigt
Heflin	Waggoner
Howington	Weldon

Westbrook
Wilson

Wood
Wright

Nays—56

Bailey	Kersey
Baker	Loggins
of Fort Bend	McAlister
Baker of Grayson	McDaniel
Bell	Mohrmann
Blankenship	Montgomery
Boethel	Pace
Boyd	Petsch
Bradbury	Pevehouse
Bradford	Piner
Brown of Cherokee	Ragsdale
Burney	Reader of Bexar
Clark	Reader of Erath
Cleveland	Reaves
Cockrell	Rhodes
Coleman	Riviere
Davis of Upshur	Roach
Dean	Robinson
Derden	Segrist
Dickson	Skiles
Dowell	Smith of Hopkins
Fuchs	Stinson
Hale	Thornberry
Hardeman	Vint
Howard	Wells
Johnson of Ellis	White
Keith	Winfree
Kennedy	Worley
Kerr	

Absent

Anderson	Harrell of Bastrop
Bond	Harrell of Lamar
Boyer	Harris
Bridgers	Hartzog
Celaya	Holland
Corry	Johnson of Tarrant
Felty	Leonard
Goodman	Leyendecker

McDonald
Monkhouse
Morris

Reed
Talbert
Vale

Absent—Excused

Hunt

Smith
of Matagorda

Mr. Stinson offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 427, page 49, line 22, by striking out the word "three," after "Members," and insert in place thereof the word "six."

The amendment was adopted.

Question—Shall the committee amendment be adopted?

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had, read, the following message from the Governor:

May 16, 1939.

To the Members of the House of Representatives of the Forty-sixth Legislature:

In compliance with the request contained in House Concurrent Resolution No. 132, I am returning herewith House Bill No. 533 to your body for further consideration.

Very truly yours,

W. LEE O'DANIEL,
Governor.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. C. R. No. 122, To grant O. L. Neyland permission to sue the State.

H. B. No. 28, "An Act amending Article 1839, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

S. B. No. 114, "An Act to amend Section 8, of Senate Bill No. 165, Chapter 165, passed by the Forty-second Legislature and all amendments thereof with respect to bonds of officers, etc., and declaring an emergency."

GRANTING LOAN OF CERTAIN HIGHWAY EQUIPMENT

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 50, Granting the loan of certain highway equipment.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Archer County; and

Whereas, The City of Holliday and Holliday Independent School District of Archer County anticipates a large number of people attending athletic events to be held in the near future; and

Whereas, It will be necessary and important to said School District to fence the grounds where said meet will be held; and

Whereas, It would be a great accommodation to said School District if the State Highway Department were permitted to loan said District the discarded wire hereinabove mentioned for the purpose of fencing the grounds; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the School Board of Holliday Independent School District sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said School Board to return such wire upon request of the State Highway Department; and it is so resolved.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, May 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has failed to pass

S. B. No. 380, A bill to be entitled "An Act providing that, with the approval of the Board of Insurance Commissioners, and upon terms and conditions prescribed by said Board, any local Mutual Aid Association, as defined by law, or any State-wide Mutual Assessment Life Insurance Company, or Accident Insurance Company, or Health Insurance Company,

or Life and Accident, or Health and Accident, or Life, Health and Accident Insurance Company, incorporated under the laws of this State and the license to transact business, and transacting business under the provisions of Chapter 245, Acts of the Regular Session of the Forty-third Legislature, being House Bill No. 303, enacted at the Regular Session of said Legislature, as amended, may by vote of its members, convert itself into an incorporated stock company; etc., and declaring an emergency."

By the following vote: Yeas, 13; Nays, 16.

Respectfully,

BOB BARKER,

Secretary of the Senate.

BILLS LAID ON THE TABLE

On motion of Mr. Wright, House Bill No. 313 was laid on the table.

On motion of Mr. Westbrook, House Bill No. 143 was laid on the table.

COMMUNICATION

The Speaker laid before the House, and had read, the following communication:

Hon. R. Emmett Morse, Speaker of the House, and Members of the House.

Please accept my sincere thanks and gratitude for the beautiful bouquet of flowers and thoughtful resolution sent to me during my recent illness. Your kind consideration of me will always be remembered.

MRS. ERNEST BOYETT.

RECESS

Mr. Reader of Bexar moved that the House recess until 2:30 o'clock p. m., today.

Mr. Hull moved that the House recess until 2:00 o'clock p. m., today.

The motion of Mr. Hull prevailed, and the House, accordingly at 12:10 o'clock p. m., took recess until 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

BILL ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Winfree, Senate Bill No. 171 was ordered not printed.

SENATE BILL NO. 427 ON PAS-SAGE TO THIRD READING

The House resumed consideration of pending business, same being Senate Bill No. 427, Departmental Appropriation Bill, on its passage to third reading.

The bill having heretofore been read second time, with committee amendment, by Mr. Thornton, pending.

Mr. Baker of Grayson offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to Senate Bill No. 427, page 50, by adding a new line between lines 16 and 17. Said line to read, as follows:

"6.—5 Stenographers, \$1,350.00—\$1,350.00."

The amendment was adopted.

Mr. Baker of Grayson offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 51, line 7, by deleting the figures "\$2,500.00", whenever they may appear, and substituting the following figures "\$3,000.00".

The amendment was adopted.

Mr. Harris offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, by striking out all appropriations to the Hair Dressers and Cosmetologists Board.

Mr. Baker of Grayson moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—79

Allen
Allison
Alsup
Baker
of Fort Bend

Baker of Grayson
Bell
Boethel
Boyd
Bradbury

Bradford	Mays
Bray	McAlister
Broadfoot	McDonald
Brown of Cherokee	McFarland
Bundy	Mohrmann
Cauthorn	Montgomery
Chambers	Newell
Clark	Nicholson
Colson, Mrs.	Oliver
Cornett	Petsch
Crossley	Piner
Davis of Upshur	Pope
Dickison	Ragsdale
Donaghey	Reader of Bexar
Dwyer	Reaves
Felty	Reed
Ferguson	Roach
Fielden	Robinson
Gordon, Mrs.	Russell
Hankamer	Schuenemann
Hardeman	Segrist
Harp	Shell
Hartzog	Skiles
Heflin	Smith of Hopkins
Holland	Stinson
Hull	Stoll
Keith	Taylor
Kennedy	Thornberry
King	Turner
Langdon	Vale
Lehman	Voigt
Leonard	Waggoner
Little	Wells
Lock	Westbrook
London	White

Nays—42

Bailey	Harris
Bridgers	Howington
Brown	Johnson of Tarrant
of Nacogdoches	Kern
Burkett	Kerr
Burney	Kersey
Cleveland	McDaniel
Cockrell	McMurry
Coleman	McNamara
Colquitt	Pace
Corry	Pevehouse
Derden	Reader of Erath
Dickson	Roberts
Dowell	Smith of Frio
Faulkner	Spencer
Galbreath	Vint
Goodman	Weldon
Hale	Wilson
Hamilton	Winfree
Harper	Wright

Absent

Anderson	Celaya
Blankenship	Daniel
Bond	Davis of Jasper
Boyer	Dean

Fuchs	Monkhouse
Gilmer	Morris
Hardin	Rhodes
Harrell of Bastrop	Riviere
Harrell of Lamar	Talbert
Howard	Tarwater
Isaacks	Tennant
Johnson of Ellis	Thornton
Kinard	Wood
Leyendecker	Worley
Loggins	

Absent—Excused

Hunt	Smith
	of Matagorda

Mr. Boyd offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 427, after line 16, page 50, by adding a new line between lines 16 and 17, to read as follows:

"Supply, Mimeograph and filing Clerk, \$1,200.00—\$1,200.00."

On motion of Mr. Thornton, the amendment was tabled.

Mr. Reader of Bexar offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 427, on page 51, line 32, by striking out the figures "\$4,500.00", and insert in lieu thereof, "\$4,800.00".

Mr. Ferguson offered the following substitute for the amendment by Mr. Reader of Bexar:

Amend Senate Bill No. 427, page 51, line 32, item 1, by striking out the figures "\$4,500.00", wherever they appear, and substituting therefor the figures "\$3,600.00".

On motion of Mr. Reader of Bexar, the substitute amendment was tabled.

Mr. Ferguson offered the following substitute for the amendment by Mr. Reader of Bexar:

Amend Senate Bill No. 427, page 51, line 32, item 1, by striking out the figures "\$4,500.00" wherever they appear, and substituting therefor the figures "\$4,000.00".

On motion of Mr. Reader of Bexar, the substitute amendment was tabled.

On motion of Mr. Thornton, the amendment by Mr. Reader of Bexar was tabled.

Mr. Reader of Bexar, offered the following amendment to the committee amendment:

Amend House committee amendment to Senate Bill No. 427, on page 55, line 31, by changing the name "Health Units" to "Public Health Districts".

The amendment was adopted.

Mr. Reader of Bexar offered the following amendment to the committee amendment:

Amend House committee amendment to Senate Bill No. 427, on page 55, line 9 (105, Rent on Tabulating and photostating machines, by striking out the figures "One Thousand and Fifty-five (\$1,055.00) Dollars", and inserting in lieu thereof the figures "Fifteen Hundred (\$1,500.00) Dollars" each year for the years 1940 and 1941. This is a contract price and unless this \$1,500.00 is appropriated, the machines cannot be rented.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Reader of Bexar offered the following amendment to the committee amendment:

Amend House committee amendment to Senate Bill No. 427, on page 55, line 15, (110), Support, Maintenance and extra help for laboratory, no salary to exceed \$100.00 per month; making and distributing toxoid, typhoid vaccine and anti-rabies vaccine, by striking out the figures "Twelve Thousand (\$12,000.00) Dollars", and inserting in lieu thereof, the figures "Twelve Thousand, Nine Hundred and Fifty (\$12,950.00) Dollars" each year for the years 1940 and 1941.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Hardeman offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to Senate Bill No. 427, by striking out the figures, "\$2,100.00," wherever they appear in line 10, item 58, page 54, and inserting in lieu thereof the figures, "\$2,400.00."

HARDEMAN,
READER of Bexar.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Piner offered the following amendment to the committee amendment:

Amend amendment to Senate Bill No. 427, page 57, line 36, by striking out the figures, "\$5,000.00," and in-

serting the figures, "\$20,000.00," and on line 37, by striking out the figures, "\$10,000.00," and inserting the figures, "\$20,000.00."

PINER,
READER of Bexar.

Mr. Thornton moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—54

Allen	Kennedy
Allison	Kinard
Alsup	Langdon
Bailey	Little
Bradford	London
Bray	Mays
Bundy	McAlister
Burkett	McDonald
Cauthorn	McMurry
Chambers	McNamara
Colquitt	Montgomery
Colson, Mrs.	Nicholson
Crossley	Pace
Daniel	Roberts
Davis of Upshur	Russell
Donaghey	Segrist
Ferguson	Smith of Frio
Giimer	Talbert
Gordon, Mrs.	Tarwater
Hankamer	Taylor
Harris	Tennant
Heflin	Thornton
Holland	Vale
Howington	Waggoner
Hull	Westbrook
Johnson of Tarrant	Wilson
Keith	Wood

Nays—73

Anderson	Dean
Baker	Derden
of Fort Bend	Dickison
Baker of Grayson	Dickson
Boyd	Dowell
Boyer	Faulkner
Bradbury	Felty
Bridgers	Fielden
Broadfoot	Fuchs
Brown of Cherokee	Galbreath
Brown	Goodman
of Nacogdoches	Hale
Burney	Hardeman
Celaya	Harp
Clark	Harper
Cleveland	Harrell of Bastrop
Cockrell	Harrell of Lamar
Coleman	Howard
Cornett	Isaacks
Corry	Kern
Davis of Jasper	Kerr

Kersey	Rhodes
Lehman	Riviere
Leyendecker	Roach
Lock	Robinson
McFarland	Skiles
Mohrmann	Smith of Hopkins
Monkhouse	Spencer
Morris	Stinson
Newell	Thornberry
Oliver	Turner
Petsch	Vint
Pevehouse	Weldon
Piner	Wells
Reader of Bexar	White
Reader of Erath	Worley
Reaves	Wright
Reed	

Absent

Bell	Leonard
Blankenship	Loggins
Boethel	McDaniel
Bond	Pope
Dwyer	Ragsdale
Hamilton	Schuenemann
Hardin	Shell
Hartzog	Stoll
Johnson of Ellis	Voigt
King	Winfree

Absent—Excused

Hunt	Smith of Matagorda
------	-----------------------

Question then recurring on the amendment by Mr. Piner, it was adopted.

Mr. Nicholson offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to Senate Bill No. 427, page 55, by inserting the following between lines 28 and 29 and changing affected totals, and renumbering subsequent lines accordingly:

"For the purpose of collecting technical information relating to the control of pollution as affecting the Angelina and Neches rivers, \$5,000.00 for each year of the biennium."

NICHOLSON,
KINARD,
RIVIERE.

On motion of Mr. Alsup, the amendment was tabled.

Mr. Piner offered the following amendment to the committee amendment:

Amend amendment to Senate Bill

No. 427, by adding, on page 54, line 40, the following:

"Division of Hygiene

	Annual Salary
Chemical Engineer (Industrial)	\$3,600.00
Technician	2,000.00
Support and Maintenance, Supplies and Equipment	7,500.00"

PINER,
READER of Bexar.

On motion of Mr. Thornton, the amendment was tabled.

(Pending consideration of the amendment, Mr. Taylor occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Johnson of Tarrant offered the following amendment to the committee amendment:

Amend House committee amendment to Senate Bill No. 427, on page 54, line 9, (57), Inspector, by striking out the figures "Eighteen Hundred (\$1,800.00) Dollars", and inserting in lieu thereof, the figures "Twenty-four Hundred (\$2,400.00) Dollars" each year for the years 1940 and 1941.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Coleman offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 54, line 8, item 56, by changing the figures "\$2,400.00" to "\$2,750.00".

SMITH of Matagorda,
COLEMAN.

The amendment was adopted.

Mr. Ferguson offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, page 56, line 27, by striking out the figures "\$17,500.00" wherever they appear, and substituting therefor the figures "\$12,500.00".

(Mr. Boyer in the Chair.)

On motion of Mr. Morris, the amendment by Mr. Ferguson was tabled.

Mr. Fuchs offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 427, page 55, by inserting after line 29, the following:

For Manufacture of Animal Rabies Vaccine:

	1940	1941
Bacteriologist in charge of production of Animal Rabies Vaccine	\$ 2,400.00	\$ 2,400.00
Laboratory Worker	1,500.00	1,500.00
Animal Caretaker	1,200.00	1,200.00
Shipping Clerk	1,200.00	1,200.00
Addition to the present State Hygienic Laboratory and complete equipment for production of Animal Rabies Vaccine	15,000.00
Support and Maintenance for manufacture of Animal Rabies Vaccine, Supplies, Animals, Equipment, Chemicals, Postage, and Extra help for emergencies, no salary to exceed \$100.00 per month	4,000.00	4,000.00
	<u>\$ 25,300.00</u>	<u>\$ 10,300.00</u>

FUCHS,
READER of Bexar.

Mr. Thornton moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

Allison	Heflin
Alsup	Holland
Anderson	Howington
Bailey	Hull
Bradbury	Keith
Bradford	Isaacks
Bray	Johnson of Tarrant
Bridgers	Langdon
Broadfoot	Lock
Brown	London
of Nacogdoches	Mays
Bundy	McAlister
Burkett	McFarland
Burney	McMurry
Cauthorn	Mohrmann
Chambers	Montgomery
Coleman	Newell
Colquitt	Nicholson
Colson, Mrs.	Pace
Cornett	Reaves
Corry	Reed
Daniel	Riviere
Davis of Upshur	Roach
Dickson	Roberts
Ferguson	Robinson
Gilmer	Russell
Hale	Schuenemann
Hamilton	Shell
Hankamer	Smith of Hopkins
Hardin	Stinson
Harris	Stoll
Hartzog	Taylor

Tennant
Thornton
Vale
Voigt

Waggoner
Wood
Wright

Nays—59

Allen	Kennedy
Baker	Kern
of Fort Bend	Kerr
Baker of Grayson	Kersey
Bell	King
Boethel	Lehman
Boyd	McDonald
Brown of Cherokee	McNamara
Clark	Monkhouse
Cleveland	Oliver
Cockrell	Petsch
Crossley	Piner
Dean	Ragsdale
Dickison	Reader of Bexar
Dowell	Reader of Erath
Dwyer	Rhodes
Faulkner	Skiles
Felty	Smith of Frio
Fielden	Spencer
Fuchs	Talbert
Galbreath	Thornberry
Goodman	Turner
Gordon, Mrs.	Vint
Hardeman	Weldon
Harp	Wells
Harper	Westbrook
Harrell of Bastrop	White
Harrell of Lamar	Wilson
Howard	Winfree
Johnson of Ellis	Worley

Absent

Blankenship	Donaghey
Bond	Kinard
Boyer	Leonard
Celaya	Levendecker
Davis of Jasper	Little
Derden	Loggins

McDaniel
Morris
Pevchouse

Pope
Segrist
Tarwater

Absent—Excused

Hunt

Smith
of Matagorda

Mr. White offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, page 58, line 14, by striking out the figures "\$4,500.00" wherever they appear, and substituting therefor the following, "\$4,000.00".

On motion of Mr. Tennant, the amendment was tabled.

Mr. Keith offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 64, as follows:

(1) By adding between lines 10 and 11, the following:

"2. Chief Rater and Actuary, \$3,600.00—\$3,600.00".

(2) By adding the word "Assistant" before the word "Actuary" in line 11, and changing the figures "\$2,400.00" to "\$2,280.00".

KEITH,
McDONALD,
HARTZOG.

The amendment was adopted.

Mr. McDonald offered the following amendment to the committee amendment:

Amend Senate Bill No. 427, line 5, item 24, on page 63 of said bill, by inserting the following: change the words "File Clerk" to read "General Supervisor of File Clerk" and insert the figures "\$1,500.00—\$1,500.00" in lieu of the figures "\$1,200.00—\$1,200.00".

McDONALD,
BOYD,
THORNBERRY.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Faulkner offered the following amendment to the committee amendment:

Amend committee substitute for Senate Bill No. 427, by striking out line 8, item 35, on page 61.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Thornberry offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 427, on page 64, by inserting between items 5 and 7, the following item:

"6. Chief Inspector, \$1,920.00—\$1,920.00."

THORNBERRY,
BOYD.

The amendment was adopted.

Mr. Smith of Hopkins offered the following amendment to the committee amendment:

Amend substitute to Senate Bill No. 427, page 68, line 36, by striking out the figures "\$1,700.00" and inserting in lieu thereof the figures "\$1,900.00".

The amendment was adopted.

Mr. Hale offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, by striking out all provisions relative to the State Board of Water Engineers, pages 70-71, and substitute in lieu thereof, the following:

"All functions, powers, duties and equipment of the State Board of Water Engineers, under the provisions of Article 7477, Revised Civil Statutes of 1925, are hereby transferred to the Commissioner of Agriculture, who shall hereafter be charged with the competent and effective enforcement of all laws now administered by the Board. The additional sum of Twenty-five Thousand (\$25,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated to the Commissioner of Agriculture for each year of the biennium to be used in the proper execution of his additional functions; provided, however, that no salaries shall be paid in excess of those paid to like positions under the provisions of this Act relating to the Commissioner of Agriculture."

Mr. Hankamer raised a point of order, on consideration of the amendment, on the ground that an existing statute cannot be amended in an appropriation bill.

The Chair sustained the point of order.

Mr. Fielden offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, page 71, line 32, by striking out the figures "\$3,000.00" and inserting in lieu thereof, the following figures "\$4,000.00" for each year.

FIELDEN,
SMITH of Hopkins.

Mr. Alsup moved to table the amendment.

The motion to table was lost.

Mr. Thornton offered the following substitute for the amendment by Mr. Fielden:

Amend committee amendment No. 1 to Senate Bill No. 427, page 71, line 32, strike out the figures "\$3,000.00" in both columns and insert in lieu thereof the figures "\$3,600.00" per year.

(Speaker in the Chair.)

Mr. Fielden moved to table the substitute amendment by Mr. Thornton.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—59

Bailey	Hardeman
Bell	Harp
Boyd	Harrell of Bastrop
Bradbury	Harris
Bradford	Hartzog
Brown of Cherokee	Howard
Burkett	Isaacks
Burney	Johnson of Ellis
Cockrell	Kern
Coleman	Kerr
Colson, Mrs.	King
Cornett	McDaniel
Corry	McDonald
Crossley	McMurry
Daniel	Mohrmann
Davis of Jasper	Montgomery
Davis of Upshur	Pace
Derden	Petsch
Dickson	Pevehouse
Dickson	Reaves
Donaghey	Rhodes
Faulkner	Roberts
Felty	Segrist
Fielden	Smith of Hopkins
Fuchs	Tarwater
Hale	Tennant

Thornberry
Vale
Voigt
Weils

White
Winfree
Worley

Nays—63

Allen	Lock
Allison	Mays
Alsup	McAlister
Baker	McFarland
of Fort Bend	McNamara
Baker of Grayson	Newell
Boethel	Nicholson
Boyer	Oliver
Bray	Piner
Bridgers	Reader of Bexar
Broadfoot	Reader of Erath
Brown	Riviere
of Nacogdoches	Roach
Bundy	Robinson
Cauthorn	Russell
Chambers	Schuenemann
Clark	Shell
Cleveland	Skiles
Colquitt	Smith of Frio
Dean	Spencer
Dowell	Stoll
Ferguson	Talbert
Galbreath	Taylor
Gordon, Mrs.	Thornton
Hankamer	Turner
Hardin	Vint
Holland	Waggoner
Hull	Weldon
Keith	Westbrook
Kennedy	Wilson
Kersey	Wood
Langdon	Wright
Lehman	

Absent

Anderson	Kinard
Blankenship	Leonard
Bond	Leyendecker
Celaya	Little
Dwyer	Loggins
Gilmer	London
Goodman	Monkhouse
Hamilton	Morris
Harper	Pope
Harrell of Lamar	Ragsdale
Heflin	Reed
Howington	Stinson
Johnson of Tarrant	

Absent—Excused

Hunt
Smith
of Matagorda

Question recurring on the substitute amendment by Mr. Thornton, yeas and nays were demanded.

The substitute amendment was adopted by the following vote:

Yeas—83

Allen	Kennedy
Allison	King
Alsup	Langdon
Baker	Lehman
of Fort Bend	Little
Boethel	Lock
Boyer	Mays
Bray	McAlister
Bridgers	McFarland
Broadfoot	McMurry
Brown of Cherokee	McNamara
Brown	Morris
of Nacogdoches	Newell
Bundy	Nicholson
Burkett	Oliver
Burney	Piner
Cauthorn	Reader of Erath
Chambers	Riviere
Clark	Roach
Cleveland	Roberts
Colquitt	Robinson
Colson, Mrs.	Russell
Cornett	Schuenemann
Crossley	Segrist
Dean	Shell
Dickson	Skiles
Dowell	Smith of Frio
Ferguson	Spencer
Fuchs	Stoll
Galbreath	Talbert
Gilmer	Taylor
Gordon, Mrs.	Thornton
Hale	Turner
Hankamer	Vale
Hardin	Vint
Harp	Voigt
Harper	Weldon
Harris	Westbrook
Hartzog	Wilson
Holland	Winfree
Howington	Wood
Hull	Wright
Keith	

Nays—38

Bailey	Johnson of Ellis
Bell	Kern
Boyd	Kerr
Bradford	Kersey
Cockrell	McDaniel
Coleman	McDonald
Corry	Mohrmann
Daniel	Pace
Davis of Jasper	Petsch
Davis of Upshur	Pevehouse
Derden	Reader of Bexar
Dickison	Reaves
Donaghey	Rhodes
Faulkner	Smith of Hopkins
Fielden	Tarwater
Hardeman	Thornberry
Harrell of Bastrop	Wells
Howard	White
Isaacks	Worley

Absent

Anderson	Kinard
Baker of Grayson	Leonard
Blankenship	Leyendecker
Bond	Loggins
Bradbury	London
Celaya	Monkhouse
Dwyer	Montgomery
Felty	Pope
Goodman	Ragsdale
Hamilton	Reed
Harrell of Lamar	Stinson
Heflin	Tennant
Johnson of Tarrant	Waggoner

Absent—Excused

Hunt	Smith
	of Matagorda

The amendment, as substituted, was then adopted.

Mr. Crossley offered the following amendment to the committee amendment:

Amend substitute to Senate Bill No. 427, page 75, line 6, by striking out the figures "\$2,400.00" and inserting in lieu thereof the figures "\$2,700.00".

CROSSLEY,
SMITH of Hopkins,
THORNBERRY.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Crossley offered the following amendment to the committee amendment:

Amend substitute to Senate Bill No. 427, page 75, by striking out lines 10, 11, 12, 13, and 14, and inserting in lieu thereof, "8 Inspectors at a salary of \$2,100.00 per year each."

CROSSLEY,
SMITH of Hopkins,
THORNBERRY,
HARTZOG.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Kersey offered the following amendment to the committee amendment:

Amend committee amendment No. 1 of Senate Bill No. 427, by adding to the Bureau of Labor Statistics, beginning on page 71, the following clause:

"It is hereby authorized that the Bureau of Labor Statistics and that Department is so instructed to put into effect at once a Division or Sub-

department for carrying out Article 5145, and which outlines the duties of the Commissioner of the Bureau of Labor Statistics, and for which the following appropriation is hereby made for the two years beginning September 1, 1939, and ending August 31, 1941.

Salaries	1940	1941
1. Commissioner, Division of Industries	\$ 2,400.00	\$ 2,400.00
2. Assistant	1,800.00	1,800.00
3. Assistant	1,800.00	1,800.00
4. File Clerk and Office	1,500.00	1,500.00
5. Stenographer	1,350.00	1,350.00
6. Traveling expenses	4,750.00	4,750.00
7. Postage, stationery, telegraph, office rent, equipment, contingent expenses	2,050.00	2,050.00
8. Maintenance and miscellaneous	1,000.00	1,000.00
Total	\$ 16,650.00	\$ 16,650.00

KERSEY, CROSSLEY.

On motion of Mr. Thornton, the amendment was tabled.

Mr. Broadfoot offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 427, on page 74, line 11, by striking out the figures "\$2,100.00" in each column, and inserting in lieu thereof, the figures "\$2,400.00".

On motion of Mr. Thornton, the amendment was tabled.

Mr. Holland offered the following amendment to the committee amendment:

Amend committee substitute for Senate Bill No. 427, by adding after the period on line 34, page 75, the following:

"No charge made for the inspection of tailor shop boilers shall exceed the sum of \$2.50 for any one calendar year."

Mr. Alsup raised a point of order, on consideration of the amendment, on the ground that an existing statute cannot be amended in an appropriation bill.

The Speaker sustained the point of order.

Mr. Hale offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to Senate Bill No. 427, by striking out all provisions relative to the Bureau of Labor Statistics, pages 71-75, and substitute in lieu thereof, the following:

"All functions, powers, duties, and equipment of the Bureau of Labor Statistics are hereby transferred to the Unemployment Compensation Commission, who shall hereafter be charged with the competent and effective enforcement of all laws now administered by the Bureau. The additional sum of \$25,000.00 or so much thereof as may be necessary, is hereby appropriated to the Commission for each year of the biennium to be used in the proper execution of these additional functions; provided that no salaries shall be paid in excess of those paid to like positions under the provisions of this Act relating to the Commission."

Mr. Thornton raised a point of order, on further consideration of the amendment at this time, on the ground that an existing statute cannot be amended in an appropriation bill.

The Speaker sustained the point of order.

Mr. Petsch moved that further consideration of that Section of Senate Bill No. 427 relative to the Comptroller's Department, be postponed until tomorrow when said bill comes up for consideration.

The motion prevailed.

Mr. Leyendecker offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to Senate Bill No. 427, by striking out lines 9 and 10, page 68, of the printed bill and inserting in lieu thereof the following, "Board Members, three, \$4,000.00 each, \$12,000.00—\$12,000.00."

On motion of Mr. Thornton, the amendment was tabled.

Mr. Baker of Grayson offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to Senate Bill No. 427, page 94, by deleting all of lines 10 and 11.

On motion of Mr. Smith of Hopkins, the amendment was tabled.

Mr. Derden offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to Senate Bill No. 427, by striking out the words and figures in line 26, page 105, item 3a.

Mr. Cornett offered the following substitute for the amendment by Mr. Derden:

Amend Senate Bill No. 427, page 105, by striking out lines 22 through line 34, and change the totals to conform to the changes made.

(Mr. Leonard in the Chair.)

Mr. Morris moved to table the substitute amendment by Mr. Cornett.

The motion to table was lost.

The substitute amendment by Mr. Cornett was then adopted.

The amendment, as substituted, was then adopted.

(Speaker in the Chair.)

Mr. Derden moved to reconsider the vote by which the amendment, as substituted, was adopted, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—54

Allen	Dean
Allison	Derden
Bailey	Faulkner
Boethel	Galbreath
Bray	Goodman
Brown of Cherokee	Hankamer
Brown	Harrell of Bastrop
of Nacogdoches	Harris
Bundy	Howington
Burkett	Isaacks
Burney	Kennedy
Chambers	Kerr
Cockrell	King
Colquitt	Lehman
Cornett	Leonard
Davis of Jasper	Little
Davis of Upshur	Mays

McMurry	Roach
McNamara	Robinson
Monkhouse	Russell
Nicholson	Skiles
Oliver	Spencer
Pace	Stoll
Piner	Talbert
Ragsdale	Waggoner
Reader of Bexar	Weldon
Reader of Erath	Wright
Riviere	

Nays—64

Alsup	Langdon
Baker	Lock
of Fort Bend	London
Baker of Grayson	McAlister
Bell	McFarland
Boyd	Mohrmann
Bradbury	Montgomery
Broadfoot	Morris
Cauthorn	Newell
Clark	Petsch
Cleveland	Reaves
Coleman	Reed
Colson, Mrs.	Rhodes
Corry	Roberts
Crossley	Schuenemann
Dowell	Segrist
Ferguson	Shell
Fuchs	Smith of Frio
Gordon, Mrs.	Smith of Hopkins
Hale	Stinson
Hamilton	Taylor
Hardeman	Tennant
Hardin	Thornberry
Harp	Turner
Harper	Vale
Harrell of Lamar	Voigt
Hartzog	Wells
Holland	White
Howard	Wilson
Hull	Winfree
Johnson of Ellis	Wood
Keith	Worley
Kersey	

Absent

Anderson	Heflin
Blankenship	Johnson of Tarrant
Bond	Kern
Boyer	Kinard
Bradford	Leyendecker
Bridgers	Loggins
Celaya	McDaniel
Daniel	McDonald
Dickison	Pevehouse
Dickson	Pope
Donaghey	Tarwater
Dwyer	Thornton
Felty	Vint
Fielden	Westbrook
Gilmer	

Absent—Excused

Hunt Smith
 of Matagorda

Question then recurring on the motion to reconsider the vote by which the amendment, as substituted, was adopted, it prevailed.

Question—Shall the amendment by Mr. Derden, as substituted, by amendment by Mr. Cornett be adopted?

MESSAGE FROM THE SENATE

Austin, Texas, May 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

S. C. R. No. 52, Requesting the Governor to return Senate Bill No. 121 to the House for correction.

S. C. R. No. 53, Authorizing the Enrolling Clerk of the House to correct House Bill No. 852.

S. R. No. 80, Requesting the House to return House Bill No. 380 to the Senate for further consideration.

The Senate has concurred in House amendments to Senate Bill No. 181 by the following vote: Yeas, 29; Nays, 0.

The Senate has concurred in House amendments to Senate Bill No. 115 by the following vote: Yeas, 29; Nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

RECALLING SENATE BILL NO. 121 FROM THE GOVERNOR

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 52, Recalling Senate Bill No. 121 from the Governor.

Whereas, Senate Bill No. 121 has passed the Senate and House of Representatives and has been sent to the Governor; and

Whereas, Senate Bill No. 121 inadvertently included within its terms the counties of Harris and Dallas; and

Whereas, Such was not the intention of the author of the bill or the Members of the Legislature; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concur-

ring, That the Governor be requested to return Senate Bill No. 121 to the House of Representatives, the place where the last action thereon was had, in order that the same may be corrected so as to eliminate the counties of Harris and Dallas from its provisions.

The resolution was read second time, and was adopted.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 852

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 53, Authorizing certain correction in House Bill No. 852.

Whereas, House Bill No. 852 has passed the Senate and House; and

Whereas, It is necessary that a corrected amendment be made to said bill; now, therefore, be it

Resolved by the Senate, and the House of Representatives concurring, That the House instruct the Enrolling Clerk to make the following correction: After the word "purposes," third line from bottom of page 5, on the engrossed bill, the following be inserted: "Or for all purposes of a College of Arts and Industries."

The resolution was read second time and was adopted.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 1067, "An Act providing that the securities issued by the Texas National Guard Armory Board shall be legal and authorized investments for life insurance companies and other concerns, officials and persons, as mentioned in the Act, and for public funds, including sinking funds of cities, school districts and other political corporations or subdivisions of said State, and that such securities shall be eligible to secure the deposit of such public funds and sufficient security, to the extent of their value, for such deposits; providing that a finding of unconstitutionality of any part of this Act shall not affect the remainder, and declaring an emergency."

NOTICE GIVEN

Mr. Thornton gave notice that he would, on tomorrow, move to take up for consideration at that time, Senate Joint Resolution No. 12, which resolution was heretofore laid on the table subject to call.

HOUSE BILL ON FIRST READING

Mr. Hardeman asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1092.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Hardeman, Mr. McFarland, Mr. Heflin and Mr. Bundy:

H. B. No. 1092, A bill to be entitled "An Act to amend Section 1 of House Bill No. 413, passed by the Forty-sixth Legislature, Regular Session, providing that all ordinances hereinafter enacted by Home Rule Cities of the State of Texas, organized and operating under the Home Rule Amendment to the Constitution of the State of Texas, and the provisions of Title 28, Chapter 13, of the Revised Civil Statutes of Texas, 1925, shall be published as provided in the charters of such cities and establishing rule for publication of ordinances prescribing penalties where charter does not provide for such publication; providing this Act shall be cumulative of other laws, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

HOUSE JOINT RESOLUTION ON FIRST READING

Mr. Petsch asked unanimous consent, to introduce, at this time, and have placed on first reading, House Joint Resolution No. 44.

There was no objection.

The Speaker then laid the resolution before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Petsch, Mr. Thornberry and Mr. Celaya:

H. J. R. No. 44, Proposing an amendment to Article 3 of the Constitution of the State of Texas authorizing the lending of \$3,000,000 of

the Permanent School Fund for the construction of a State office building or buildings and acquiring necessary sites therefor; providing for repayment of the Permanent School Fund; providing for the submission of this amendment to the voters of this State; and providing for the necessary proclamation and expenses of publication.

Referred to the Committee on Constitutional Amendments.

RECESS

Mr. Goodman moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Bell moved that the House recess until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Bell prevailed, and the House, accordingly, at 5:15 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Labor: Senate Bill No. 171.

Counties: Senate Bill No. 445.

Oil, Gas and Mining: Senate Bill No. 32.

Education: Senate Bill No. 455.

The Committee on Liquor Traffic filed an adverse report on House Bill No. 499.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, May 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 758, A bill to be entitled "An Act authorizing counties to establish and operate sewing rooms, and to provide for the improvement of public records; authorizing Commissioners' Courts of counties to make contracts for the purposes of discovery of land and improvements escaping taxation, compiling and as-

sembling delinquent taxes and ownership record, the elimination of double assessment and elimination or reduction of unknown ownerships and compiling of data pertaining to the value of taxable property for use by the Tax Assessor and Board of Equalization; providing that this Act shall apply only in instances where an agency of the United States Government or the State of Texas agrees to contribute a portion of the necessary money or labor; authorizing counties to issue general fund interest bearing time warrants to evidence their indebtedness under such contracts making it the duty of the Commissioners' Court of such county to levy and collect taxes at the rate of three (3c) cents on the One Hundred (\$100.00) Dollars assessed valuation or so much thereof as may be necessary; imposing the same duties with reference to the levy, assessment and collection of taxes as are imposed by Chapters 1 and 2 of Title 22 of the Revised Civil Statutes of 1925 to assure payment of all bonds; providing that if said three (3c) cents is insufficient it shall be the duty of the Court to levy an additional tax if such can be made without causing a deficit in the current operating fund of the county; providing that this Act shall not revoke any authority now existing in counties to make contracts for the purposes herein authorized or to repeal any existing law and that this Act shall be cumulative, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1077, A bill to be entitled "An Act providing for more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specifically in all those counties having not less than thirty-four thousand, six hundred (34,600), and not more than thirty-four thousand, seven hundred (34,700), according to the last preceding Federal Cen-

sus; modifying all laws or parts of laws in conflict herewith; making this Act cumulative of the General Law, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 28, "An Act amending Article 1839, Revised Civil Statutes of Texas, 1925; providing effective date of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1067, "An Act providing that the securities issued by the Texas National Guard Armory Board shall be legal and authorized investments for life insurance companies and other concerns, officials, and persons, as mentioned in the Act, and for public funds, including sinking funds of cities, school districts, and other political corporations or subdivisions of said State, and that such securities shall be eligible to secure the deposit of such public funds and sufficient security, to the extent of their value, for such deposits; providing that a finding of unconstitutionality of any part of this Act shall not affect the remainder, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 122, Granting O. L.

Neyland permission to sue the State of Texas.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 194, "An Act defining 'Barber Board;' authorizing the State Board of Barber Examiners under certain conditions herein set forth to approve agreements fixing minimum prices for barber services; providing for agreements to be submitted by eighty-five (85) per cent of the licensed barbers in any one county of the State; providing the minimum for haircuts shall not exceed forty (40) cents; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; providing for the posting of rules or orders; providing for deviation from established minimum by certain barbers; providing for practice and procedure of the Board with respect to investigations; providing for treatment by the Board of violations of this Act; providing for the Board to administer and enforce the provisions of this Act; providing nothing in this Act shall affect any regulation of the State Board of Health or authority now vested in State Bureau of Labor Statistics; regulating barber schools or barber colleges; providing a penalty for violating the provisions of this Act; providing for refusal to grant a license or for suspension or revocation of licenses by the Board; providing for appeal from action of the Board; providing for the payment of expenses of administration of this Act; providing for fees for permits and placing such fees in a special enforcement fund; providing that the provisions of this Act shall be cumulative; providing a saving clause; repealing all laws in conflict herewith; providing this Act shall not be construed as an amendment to, nor in any manner repealing, the Anti-trust Laws of this State or the United States, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

May 16, 1939

House Bill No. 194.

House Bill No. 28.

House Concurrent Resolution No. 122.

SEVENTY-THIRD DAY

(Continued)

(Wednesday, May 17, 1939)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Morse.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, humbly we come into Thy presence this morning. From everlasting even unto everlasting Thou art God. We realize that unless Thou be with us we can do but little, and that the burden of our errors must fall upon ourselves. Be gracious unto us, and lead us in righteousness. For Christ's sake. Amen."

COMMUNICATION

The Speaker laid before the House, and had read the following communication:

Hemphill, Texas,
May 15th, 1939.

Mr. Speaker, Members and Officials of the House of Representatives of the State of Texas:

It is truly with grateful hearts that we acknowledge receipt of copies of House Simple Resolution No. 275.

Especially do we thank Mr. Westbrook for his thoughtfulness, and for the names of the entire membership having been added to the resolution.

We shall always preserve and cherish this record of your actions, and pray God's blessings may recompense and comfort each of you as the issues of life are met in days to come. May the needed strength and wisdom be added in the further discharge of your solemn duties to the people of this great State and to all humanity.

Again assuring you of our deep appreciation for your kindness, we are,

Gratefully yours,

MR. AND MRS. J. PEYTON
McGOWN
AND CHILDREN.